



## INSTRUCTIONS FOR PRIMARY AND LOWER TIER COVERED TRANSACTION

\*OMB APPROVED NO. 1405-0115  
EXPIRATION DATE: 05/31/2001  
ESTIMATED BURDEN: 3 Hours

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.
4. The prospective primary participant shall provide immediate written notice to the department or agency to whom this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the 'Definitions and Coverage' sections of the rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.
6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.
7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion - Lower Tier Covered Transactions," provided by the department or agency entering into this covered transaction, without modification, in all lower tier transactions and in all solicitations for lower tier covered transactions.
8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may but is not required to check the Nonprocurement List.
9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

# CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS FOR LOWER TIER AND PRIMARY COVERED TRANSACTIONS

This certification is required by the regulations implementing Executive Order 125 49, Debarment and Suspension, 22 CFR Part 513. The regulations were published as Part VII of the May 26, 1988 Federal Register (pages 19160-19211).

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☐ **LOWER TIER**

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal department or agency.
  2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.
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☐ **PRIMARY**

1. The prospective primary participant certifies to the best of its knowledge and belief that it and its principals:
    - (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
    - (b) Have not within a three-year period preceding this proposal been convicted or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
    - (c) Are not presently indicted or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
    - (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.
  2. Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.
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## CERTIFICATION

Organization Name \_\_\_\_\_

Award Number or Project Name \_\_\_\_\_

Name and Title of Authorized Representative \_\_\_\_\_

Signature \_\_\_\_\_ Date (mm-dd-yyyy) \_\_\_\_\_

\*Public reporting burden for this collection information is estimated to average 3 hours per response, including the time for reviewing instructions, searching existing data needed, and completing and reviewing the collection of information. Response to this package is voluntary. An agency may not conduct or sponsor, and the respondent is not required to respond to, a collection of information unless it displays a valid OMB control number.

U. S. Department of State's Bureau of Educational and Cultural (ECA) Affairs has well-established procedures for internal Bureau grant review. The procedures respond to the need to provide consistent, fair, and quality decision-making regarding the relatively high volume of funding requests submitted to the Bureau. Information concerning grant requests is also essential in view of the Bureau's interest in the integrity of the review process. This information collection is intended to assist in compliance with goals established for the Bureau by the Fulbright-Hays Act, P.L. 87-256, to increase mutual understanding between the peoples of the United States and peoples of other countries by means of educational and cultural exchange. The Bureau reviews each grant application for compliance with established procedures. The applications are then screened by a panel for approval or disapproval for funding. Grants are not given to projects that essentially for research, to fund publications, or finance the policy views of foreign governments. This information collection is necessary to maintain the grant application process for ECA programs.

Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: A/RPS/DIR, U. S. Department of State, Washington, DC 20520.